



# APPLICATION PACKET FOR A **ZONING ADJUSTMENT OR VARIANCE**

## **GENERAL:**

Zoning Adjustments and Variances are intended to relax zoning restrictions in cases where strict compliance with the regulations is not possible or practicable. Neither process can allow a use that is prohibited, or change certain standards relating to manufactured dwellings. Zoning Adjustments are administrative decisions and can only be granted within narrow limits – Variances are decided by the Planning Commission in public hearing and are not limited in the degree of relief they can provide. Any adjustment that exceeding the Zoning Adjustment limits must be by the Variance process.

## **REQUIRED SUBMITTALS:**

### **1. Uniform Application** (One copy.)

Note: In the case of multiple applications, only one Uniform Application form need be submitted, so long as each application is included in the description of the proposal.

### **2. Site Plan** (Six paper copies plus one electronic copy, preferably in .pdf format. If necessary for clarity, the information may be shown on two or more plans, such as a streets and utilities plan, grading plan, or others.)

- Scale: 1" = 50' or smaller. The Director may specify a different scale to ensure readability.
- Property lines
- Names & location of streets, any access easements, any power, sewer, water, storm, or other easements.
- Natural features: such as floodplain, wetlands, streams, wells, septic systems, or notable trees.
- Use, building footprint and location of all existing structures on the subject property.

### **3. Architectural drawings (floor plan and elevations) if the adjustment or variance involves a building** (Six paper copies plus one electronic copy, preferably in .pdf format.)

### **4. Narrative demonstrating compliance with the criteria of the Woodburn Development Ordinance** (One paper copy plus one electronic copy, preferably in Microsoft Word format.)

- Section 2 – Zoning district regulations of the relevant zone
- Section 5.02.06 – Zoning Adjustment or
- Section 5.03.12 – Variance

### **5. Latest recorded deed(s) for the subject property, or the recorded sales contract if our records do not show you as the owner of record.** (One copy.)

**6. Three sets of mailing labels with map depicting a line 250 feet equidistant from all boundaries of the subject property.**

- Avery 5160 format (three columns and ten rows per sheet).
- The label for each tax lot must include the associated tax lot number.
- You may consolidate labels to reflect common ownership of multiple tax lots, but only as able to still fit the applicable tax lot numbers within a given label.
- You may contact a local title company for assistance with label and map preparation.

**7. Filing Fee:**

Zoning Adjustment	\$1,042
Variance	\$2,432

**Prior to deeming an application complete, the Director may request additional information.**

**Zoning Adjustments** are Type II decisions. The decision is made by the Director of Economic & Development Services. Notice of the decision is mailed to surrounding property owners, who may appeal the decision to the City Council. The Council may also choose to review the decision on its own motion. State law gives the City 30 days to determine if the application is complete, and another 120 days to finish the decision process (including appeals.) A typical Zoning Adjustment application – one that is complete upon submittal and is not appealed – is usually finished in 4 to 6 weeks.

**5.02.06 Zoning Adjustment**

- A. Purpose: The purpose of a Type II zoning adjustment is to allow minor variance to the development standards of this ordinance, where strict adherence to these standards is precluded by circumstances beyond the control of the applicant, and minor deviation from the standards will not unreasonably affect existing or potential uses on adjacent properties.
- B. Criteria: A zoning adjustment involves the balancing of competing and conflicting interests. The following criteria will be considered in evaluating zoning adjustments.
1. The adjustment is necessary to prevent unnecessary hardship relating to the land or structure. Factors to consider in determining whether hardship exists, include:
    - a. Physical circumstances over which the applicant has no control, related to the piece of property involved, that distinguish it from other land in the same zone, including but not limited to lot size, shape, and topography.
    - b. Whether the property can be reasonably used similar to other properties in the same zone without the adjustment.
    - c. Whether the hardship was created by the applicant requesting the adjustment.
  2. The zoning adjustment will not be materially injurious to adjacent properties or to the use of

the subject property. Factors to be considered in determining whether development is not materially injurious include, but are not limited to:

- a. Physical impacts such development will have because of the adjustment, such as visual, noise, traffic and drainage, erosion and landslide hazards.
  - b. If the adjustment concerns joint-use parking, the hours of operation for vehicle parking shall not create a competing parking demand.
  - c. Minimal impacts occur as a result of the proposed adjustment.
3. The adjustment is the minimum deviation from the standard necessary to make reasonable use of the property;
  4. The adjustment does not conflict with the Woodburn Comprehensive Plan.

C. Maximum Adjustment permitted:

1. Lot Area: Up to a five percent reduction in the minimum lot area.
2. Lot Coverage: Up to an increase of five percent in lot coverage.
3. Front Yard Setback or Setback Abutting a Street: Up to a 10 percent reduction of a setback.
4. Side Yard Setback: Up to a 20 percent reduction in setback, but no less than a five foot setback in a RS or R1S zone or less than the requirements of the state building code, whichever is more restrictive.
5. Rear Yard Setback: Up to a 20 percent reduction in setback, but no less than a five foot setback, except in those zones permitting zero setbacks the minimum setback shall be either 5 feet or zero.
6. Lot Width: Up to a ten percent reduction.
7. Lot Depth: Up to a ten percent reduction.
8. Building/Fence Height: Up to a ten percent increase in height.
9. Parking Standards: Up to a five percent reduction in required parking spaces except no reduction in the number of handicapped vehicle parking spaces or in dimensional standards.
10. Joint-Use Vehicle Parking: Up to 20 percent of the required vehicle parking may be satisfied by joint use of the parking provided for another use.
11. Fences and Freestanding Walls: The location or height of a fence or free-standing wall, excluding the adjustment of any such facilities within a clear vision area.

D. Prohibited Adjustments:

1. Adjustments to the number of permitted dwellings and to the use of property shall be prohibited.
2. Standards established by Oregon Revised Statutes for manufactured dwellings and manufactured dwelling parks are non-variable.

**Variances** are Type III decisions. Type III decisions are made by the Planning Commission after a public hearing. Notice of the public hearing is mailed to surrounding property owners and posted on the property. Notice of the decision is mailed to surrounding property owners, who may appeal the decision to the City Council. The Council may also choose to review the decision on its own motion. State law gives the City 30 days to determine if the application is complete, and another 120 days to finish the decision process (including appeals.) A typical Variance application – one that is complete upon submittal and is not appealed – is usually finished in 6 to 10 weeks.

### **5.03.12**     **Variance**

- B. Criteria: A variance may be granted to allow a deviation from development standard of this ordinance where the following criteria are met:
1. Strict adherence to the standards of this ordinance is not possible or imposes an excessive burden on the property owner, and
  2. Variance to the standards will not unreasonably impact existing or potential uses or development on the subject property or adjacent properties.
- C. Factors to Consider: A determination of whether the criteria are satisfied involves balancing competing and conflicting interests. The factors listed below are not criteria and are not intended to be an exclusive list and are used as a guide in determining whether the criteria are met.
1. The variance is necessary to prevent unnecessary hardship relating to the land or structure, which would cause the property to be unbuildable by application of this Ordinance. Factors to consider in determining whether hardship exists, include:
    - a. Physical circumstances over which the applicant has no control related to the piece of property involved that distinguish it from other land in the zone, including but not limited to, lot size, shape, and topography.
    - b. Whether reasonable use similar to other properties can be made of the property without the variance.
    - c. Whether the hardship was created by the person requesting the variance.
  2. Development consistent with the request will not be materially injurious to adjacent properties. Factors to be considered in determining whether development consistent with the variance materially injurious include, but are not limited to:
    - a. Physical impacts such development will have because of the variance, such as visual, noise, traffic and drainage, erosion and landslide hazards.
    - b. Incremental impacts occurring as a result of the proposed variance.
  3. Existing physical and natural systems, such as but not limited to traffic, drainage, dramatic land forms or parks will not be adversely affected because of the variance.
  4. Whether the variance is the minimum deviation necessary to make reasonable economic use of the property;
  5. Whether the variance conflicts with the Woodburn Comprehensive Plan.



# CITY OF WOODBURN

Department of Economic & Development Services  
270 Montgomery Street • Woodburn, Oregon 97071  
Phone: 503-982-5246 • Website: www.woodburn-or.us

File No: \_\_\_\_\_

Related Files: \_\_\_\_\_

## UNIFORM APPLICATION

(SOLICITUD UNIFORME)

### General Information (Información General)

<b>Project location</b> (Ubicación del Proyecto):	
<b>Tax Lot No.</b> (Designación del Evaluador del Condado):	
<b>Property owner</b> (Propietario):	<b>Applicant</b> (Solicitante):
<b>Mailing Address</b> (Dirección Postal):	<b>Mailing Address</b> (Dirección Postal):
<b>Telephone</b> (Teléfono):	<b>Telephone</b> (Teléfono):
<b>E-mail</b> (Dirección Cibernética):	<b>E-mail</b> (Dirección Cibernética):
<b>Description of the proposal</b> (Descripción del proyecto): _____ _____ _____	

### Requested Review (Solicitud a revisar)

<input type="checkbox"/> ACCESS PERMIT TO CITY ARTERIAL	<input type="checkbox"/> EXTENSION OF A DEVELOP. DECISION	<input type="checkbox"/> VARIANCE
<input type="checkbox"/> ANNEXATION	<input type="checkbox"/> MODIFICATION OF CONDITIONS	<input type="checkbox"/> ZONING ADJUSTMENT
<input type="checkbox"/> CONDITIONAL USE	<input type="checkbox"/> PARTITION PRELIMINARY APPROVAL	<input type="checkbox"/> ZONE CHANGE
<input type="checkbox"/> DESIGN REVIEW	<input type="checkbox"/> PHASING PLAN	<input type="checkbox"/> OTHER:
<input type="checkbox"/> EXCEPTION TO STREET IMPROV. REQ.	<input type="checkbox"/> SUBDIVISION PRELIMINARY APPROVAL	

### Certification (Certificación)

<b>I hereby declare that as applicant or property owner, I have read the foregoing application and know the contents of the application to be true.</b> (Por la presente declaro que como solicitante o propietario, he leído la solicitud anterior y sé que lo contenido es verídico.)	
<b>Owner</b> _____ (Firma del Propietario)	<b>Applicant</b> _____ (Firma del Solicitante)
<b>Print Name</b> _____ (Escriba en letra de molde)	<b>Print Name</b> _____ (Escriba en letra de molde)
<b>Date</b> (Fecha) _____	<b>Date</b> (Fecha) _____

